

## **RULES AND OPEN GOVERNMENT COMMITTEE**

### Meeting Report

April 9, 2014

**PRESENT:** Mayor Chuck Reed, Vice-Mayor Madison Nguyen, Councilmember Pete Constant and Councilmember Pierluigi Oliverio.

**ABSENT:** None.

**STAFF:** City Manager Ed Shikada, City Attorney Richard Doyle, City Clerk Toni Taber, Assistant City Clerk Tom Graves, Mayor's Agenda Services Manager Ahmad Chapman, Senior Executive Analyst Ernest Azevedo, and Deputy City Clerk Kathy Carrillo.

### **A. City Council (City Clerk)**

1. Review March 15, 2014 Final Agenda
  - a. Add New Items to Final Agenda:
  - b. Assign "Time Certain" to Agenda Items (if needed)
  - c. Review of Items that Meet Exception Rule (if needed)

Planning, Building and Code Enforcement Assistant Director Laurel Prevetti responded to Councilmember Oliverio's question regarding rezoning appeals for Item 11.2.

Public Comments: David Wall pulled Item 2.2 and Item 2.10 for comments.

Action: Upon motion by Councilmember Constant seconded by Vice-Mayor Nguyen and carried unanimously, the amended agenda was approved. (4-0).

2. Review March 22, 2014 Draft Agenda
  - a. Add New Items to Draft Agenda
  - b. Assign "Time Certain" to Agenda Items (if needed)
  - c. Review of Items that Meet Exception Rule (if needed)

Public Comments: David Wall pulled Item 2.2 and Item 5.1 for comments.

Action: Upon motion by Councilmember Constant seconded by Councilmember Oliverio and carried unanimously, the agenda was approved with the modifications noted:

Item 4.1 dropped and referred to the Community and Economic Development Committee for their next meeting; Approved 14-day sunshine waiver for Item 5.1 with the correction to the amounts under 5.1.C (1) and (2). (4-0).

### **B. Review of Upcoming Study Session Agenda(s)**

Action: Motion by Councilmember Oliverio seconded by Vice-Mayor Nguyen to release the Study Session date of April 24, 2014, carried unanimously, approved. (4-0).

### **C. Legislative Update**

1. State – None.
2. Federal - None.

**D. Meeting Schedules**

**E. The Public Record**

Documents Filed: Memorandum from the City Clerk Toni Taber to Mayor and City Council dated April 4, 2014, transmitting the Public Record for the week of March 29 24, 2014 – April 3, 2014.

Public Comments: Martha O'Connell, Richard McCoy, and David Wall pulled Item E.a for comments.

Action: Upon motion by Councilmember Constant, seconded by Vice-Mayor Nguyen and carried unanimously, the Committee noted and filed the Public Record. (4-0).

**F. Boards, Commissions and Committees**

1. Appointments  
None.
2. Work Plans  
None.
3. Annual Reports  
None.

**G. Rules Committee Reviews, Recommendations and Approvals**

1. Workload Assessment for Council Requests and Referrals.
2. Mobile Home Park Conversion Ordinance (Nguyen)  
Direct staff to return with an urgency interim ordinance establishing a temporary 45-day moratorium on mobile home park conversions. Upon making findings of a current and immediate threat to the public health, safety, or welfare of mobile home park residents direct staff to provide follow up procedures to extend the interim ordinance for no longer than one year. Staff will then return to council with recommended changes for adoption prior to the expiration of the moratorium.

Documents Filed: (1) Memorandum from Vice-Mayor Nguyen to the Rules and Open Government Committee dated April 1, 2014, forwarding the recommendations. (2) E-mail from Doug Johnson to the Rules and Open Government Committee dated April 8, 2014, opposing Item G.2. (3) Document from Kent Greathouse to the Rules and Open Government Committee submitted on April 9, 2014, supporting Item G.2.

Vice-Mayor Nguyen spoke on her memorandum regarding low income and vulnerable families at mobile home parks; and staff responded to the Committee's questions.

Public Comments:

Eric Schoemnauer and Mike Graves spoke in opposition to Item G.2.

**G. Rules Committee Reviews, Recommendations and Approvals (Cont.)**

The following citizens spoke in support of Item G.2:

Connie Beech, Ruth Greathouse, Kent Greathouse, Martha O'Connell, Mary Kuykendall, Ron Johnson, Dave Johnson, Sandy Perry, Bill Wallace, Kyra Kazantzis, Gail Anne Osmer, Lee Ellak, and Daryl Jones.

David Wall proposed that the City of San José impose a mandatory sewer hook-up moratorium for the next five years to deter new construction of housing units.

Action: Upon motion by Vice-Mayor Nguyen seconded by Mayor Reed and carried unanimously, Item G.2 was referred to the City Attorney's Office for further analysis to return back to the Rules Committee on April 30, 2014. (4-0).

**3. Councilmember Visits to State Legislators (Kalra)**

- a. That the Rules and Open Government Committee approve sending Councilmembers to Sacramento to meet with our State Legislators. The trip would be another opportunity to present our representatives with information about the impact of state budget issues and state legislation on the City of San José. Our visit will again be coordinated with Betsy Shotwell, the director of Intergovernmental Relations, and Roxanne Miller, the City's Legislative Advocate in Sacramento. The same guidelines established for prior trips would apply.
- b. Request a sunshine waiver for a one-week turnaround to City Council.

Documents Filed: Memorandum from Councilmember Ash Kalra to the Mayor and City Council dated April 3, 2014, forwarding the recommendations.

Director of Intergovernmental Relations Betsy Shotwell provided an outline on legislative travel to Sacramento and responded to the Committee's questions.

Public Comments: David Wall suggested eliminating the legislative advocate position.

Action: Upon motion by Councilmember Oliverio, seconded by Councilmember Constant and carried unanimously, Item G.3 was approved, placing the item on the April 15, 2014 Council Agenda for action, and approving a one-week sunshine waiver. (4-0).

**H. Review of additions to Council Committee Agendas/Workplans**

1. Community and Economic Development Committee  
None.
2. Neighborhood Services and Education Committee  
None.
3. Transportation and Environment Committee  
None.
4. Public Safety, Finance and Strategic Support Committee
5. Rules and Open Government Committee  
None.

**I. Open Government**

1. Appeals of Public Records Act Request  
None.

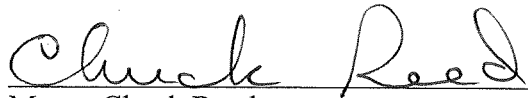
**J. Open Forum**

Carl Benton expressed his concerns regarding Item 2.7 (Ordinance Permitting Operation of Small Model Warships) on Council Agenda 4/15/14. David Wall offered his opinion on sludge drying.

The Committee asked Mr. Benton to put his comments regarding Item 2.7 in writing and submit it to staff before 4/15/14.

**K. Adjournment.**

The meeting adjourned at 3:08 p.m.

A handwritten signature in cursive script that reads "Chuck Reed". The signature is written in dark ink and is positioned above a horizontal line.

Mayor Chuck Reed  
Rules and Open Government Committee